

#14

PTO/SB/64 (09-04)
Approved for use through 07/31/2006. OMB 0651-0031

U.S. Patent and Trademark Office; U.S. DEPARTMENT OF COMMERCE

Under the Paperwork Reduction Act of 1995, no persons are required to respond to a collection of information unless it displays a valid OMB control number.

**PETITION FOR REVIVAL OF AN APPLICATION FOR PATENT
ABANDONED UNINTENTIONALLY UNDER 37 CFR 1.137(b)**

Docket Number (Optional)
CH919980038US1

First named inventor: Gfeller et al.

Application No.: 09/614,231

Filed: July 12, 2000

Art Unit: 2133

Examiner: C.T.L. Tu

Title: APPARATUS AND METHOD FOR SETTING A DATA RATE IN A WIRELESS COMMUNICATION SYSTEM

Attention: Office of Petitions

Mail Stop Petition

Commissioner for Patents

P.O. Box 1450

Alexandria, VA 22313-1450

FAX (703) 872-9306

NOTE: If information or assistance is needed in completing this form, please contact Petitions Information at (703) 305-9282.

The above-identified application became abandoned for failure to file a timely and proper reply to a notice or action by the United States Patent and Trademark Office. The date of abandonment is the day after the expiration date of the period set for reply in the office notice or action plus an extensions of time actually obtained.

APPLICANT HEREBY PETITIONS FOR REVIVAL OF THIS APPLICATION

NOTE: A grantable petition requires the following items:

- (1) Petition fee;
- (2) Reply and/or issue fee;
- (3) Terminal disclaimer with disclaimer fee - required for all utility and plant applications filed before June 8, 1995; and for all design applications; and
- (4) Statement that the entire delay was unintentional.

1. Petition fee

☐ Small entity-fee \$ _____ (37 CFR 1.17(m)). Applicant claims small entity status. See 37 CFR 1.27.

☒ Other than small entity - fee \$ 1,500.00 (37 CFR 1.17(m))

2. Reply and/or fee

A. The reply and/or fee to the above-noted Office action in

the form of Amendment, Request for Continued Examination, IDS, drawings (identify type of reply):

☐ has been filed previously on 12/28/2004 AWONDAF1_00000021 090468 09614231
☒ is enclosed herewith. 02 FC:1453 1500.00 DA

B. The issue fee and publication fee (if applicable) of \$ 1,300.00

☒ has been paid previously on June 23, 2003
☐ is enclosed herewith.

[Page 1 of 2]

This collection of information is required by 37 CFR 1.137(b). The information is required to obtain or retain a benefit by the public which is to file (and by the USPTO to process) an application. Confidentiality is governed by 35 U.S.C. 122 and 37 CFR 1.11 and 1.14. This collection is estimated to take 1.0 hour to complete, including gathering, preparing, and submitting the completed application form to the USPTO. Time will vary depending upon the individual case. Any comments on the amount of time you require to complete this form and/or suggestions for reducing this burden, should be sent to the Chief Information Officer, U.S. Patent and Trademark Office, U.S. Department of Commerce, P.O. Box 1450, Alexandria, VA 22313-1450. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. **SEND TO: Mail Stop Petition, Commissioner for Patents, P.O. Box 1450, Alexandria, VA 22313-1450.**

If you need assistance in completing the form, call 1-800-PTO-9199 and select option 2.

3. Terminal disclaimer with disclaimer fee

- ☒ Since this utility/plant application was filed on or after June 8, 1995, no terminal disclaimer is required.
- ☐ A terminal disclaimer (and disclaimer fee (37 CFR 1.20(d)) of \$ _____ for a small entity or \$ _____ for other than a small entity) disclaiming the required period of time is enclosed herewith (see PTO/SB/63).

4. STATEMENT: The entire delay in filing the required reply from the due date for the required reply until the filing of a grantable petition under 37 CFR 1.137(b) was unintentional. [NOTE: The United States Patent and Trademark Office may require additional information if there is a question as to whether either the abandonment or the delay in filing a petition under 37 CFR 1.137(b) was unintentional (MPEP 711.03(c), subsections (III)(C) and (D)).]

WARNING: Information on this form may become public. Credit card information should not be included on this form. Provide credit card information and authorization on PTO-2038.

Douglas W. Cameron
Signature

12/17/04
Date

Douglas W. Cameron
Typed or printed name

31,596
Registration Number, if applicable

IBM Corporation, P.O. Box 218
Address

914 945-3244
Telephone Number

Yorktown Heights, Ny 10598
Address

Enclosures: ☐ Fee Payment

☐ Reply

☐ Terminal Disclaimer Form

☐ Additional sheets containing statements establishing unintentional delay

☒ Other: Amendment, RCE, Formal Drawings (4 sheets), IDS, PTO 1449 and references.

RECEIVED

DEC 29 2004

OFFICE OF PETITIONS

CERTIFICATE OF MAILING OR TRANSMISSION [37 CFR 1.8(a)]

I hereby certify that this correspondence is being:

☒ Deposited with the United States Postal Service on the date shown below with sufficient postage as first class mail in an envelope addressed to: Mail Stop Petition, Commissioner for Patents, P. O. Box 1450, Alexandria, VA 22313-1450.

☐ Transmitted by facsimile on the date shown below to the United States Patent and Trademark Office as (703) 872-9306.

12/21/04
Date

Allison Berkman
Signature

Allison Berkman
Typed or printed name of person signing certificate



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Gfeller et al.

Docket No.: CH919980038US1

Serial No.: 09/614,231

Group Art Unit: 2133

Filed: July 12, 2000

Examiner: C.T.L. Tu

For: APPARATUS AND METHOD FOR SETTING A DATA RATE IN A WIRELESS
COMMUNICATION SYSTEM

Mail Stop Petition
Commissioner for Patents
P.O. Box 1450
Alexandria, VA 22313-1450

RECEIVED

DEC 29 2004

OFFICE OF PETITIONS

CERTIFICATE OF MAILING UNDER 37 CFR 1.8 (a)

I hereby certify that the attached correspondence comprising:

1. Petition for Revival of an Application for Patent Abandoned Unintentionally Under C.F.R. 1.137(b);
2. Amendment;
3. Request for Continued Examination;
4. Four Sheets of Formal Drawings;
5. Information Disclosure Statement, PTO 1449 and references cited therein;
6. European Patent Office Communications;
7. Certificate of Mailing and
8. Acknowledgment Postcard.

is being deposited with the United States Postal Service as first class mail in an envelope addressed to:

**Mail Stop Petition
Commissioner for Patents
P. O. Box 1450
Alexandria, VA 22313-1450**

On December 21, 2004

Allison Berkman

(Type or printed name of person mailing paper or fee)



(Signature of person mailing paper or fee)